

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

HENRY R. TERRY,

Plaintiff,

ORDER

CV 09-2333 (RRM)(ARL)

-against-

THE INCORPORATED VILLAGE OF PATCHOGUE,
et al.,

Defendants.

-----X

LINDSAY, Magistrate Judge:

By order dated October 15, 2010, this Court directed Mr. Terry to make responsive document discovery available for inspection and copying at the defense counsel's office or to copy the documents at plaintiff's expense for the defendants by November 5, 2010.

On November 1, 2010, Mr. Terry delivered approximately eight boxes of documents to defense counsel demanding that they be copied while he waited. Defense counsel suggested that he accompany Mr. Terry to Kinko's to have them copied but Mr. Terry refused. The parties then contacted the court and Mr. Terry was again directed to either leave the original documents with defense counsel to be copied, or have a copy delivered to defense counsel. Mr. Terry chose to leave the documents.¹

By letter received this date the court has been advised that Mr. Terry removed the documents from Kinko's before the copying could be completed. *See Sokoloff Letter*, dated November 1, 2010. Mr. Terry is in direct violation of this court's October 15th and November 1st orders.

Mr. Terry will be given one final opportunity to comply with the court's directives. Accordingly, Mr. Terry is now directed to either deliver a full copy of the discovered documents to defense counsel by Friday November 5th or, return the documents to Kinkos before the close of business Wednesday, November 3rd. Failure to comply with this court's order will result in

¹Defense counsel and Mr. Terry thereafter went to Kinko's. The Kinko's representative informed them that the earliest they could copy the entire set of documents would be Friday, November 5, 2010. Defense counsel left his credit card and returned to his office. Later that afternoon, defense counsel called the Kinko's representative to follow up on the printing order and was informed that Mr. Terry only left the documents that the representative said he could copy by 5 p.m.

sanctions including recommending the preclusion of these documents as exhibits at trial.

Dated: Central Islip, New York
November 2, 2010

SO ORDERED:

_____/s/_____
ARLENE R. LINDSAY
United States Magistrate Judge